

1 DEANNA L. KWONG (SBN 233480)  
2 COVINGTON & BURLING LLP  
3 333 Twin Dolphin Drive, Suite 700  
4 Redwood Shores, CA 94065  
5 Tel. (650) 632-4700  
6 Fax (650) 632-4800  
7 dkwong@cov.com

8 RYAN M. BUSCHELL (SBN 271509)  
9 TESS A. HAMILTON (SBN 279738)  
10 COVINGTON & BURLING LLP  
11 One Front Street, 35th Floor  
12 San Francisco, California 94111  
13 Tel. (415) 591-6000  
14 Fax. (415) 591-6091  
15 rbuschell@cov.com  
16 tahamilton@cov.com

17 *Attorneys for Plaintiff*  
18 REYNALDO AYALA

19 UNITED STATES DISTRICT COURT

20 FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 REYNALDO AYALA,

22 Plaintiff,

23 v.

24 ROBERT AYERS, JR., et al.,

25 Defendants.

26 Case No.: C 10-0979 JSW (PR)

27 **STIPULATION AND [PROPOSED]  
28 ORDER REGARDING CASE  
SCHEDULE**

Judge: Hon. Jeffrey White  
Place: Courtroom 11, 19<sup>th</sup> floor

The parties, pursuant to Civil L.R. 6-1(a), respectfully submit the following stipulation:

1. Plaintiff, Mr. Reynaldo Ayala, filed his Third Amended Complaint (“Complaint”) on October 19, 2012, and the Complaint was deemed operative by the Court on November 16, 2012, in the United States District Court, Northern District of California, San Francisco Division. Dkt. 103.

2. In granting Plaintiff's Motion for Leave to Amend Complaint and to Amend Pretrial Schedule on November 16, 2012, the Court entered the current scheduling order which contemplates, among other things, the completion of non-expert discovery by December 31, 2012.

3. Because it is not possible to complete certain third-party inmate depositions prior to December 31, 2012, the parties have agreed to modify the current case schedule. The parties brought the fact of their agreement to the Court's attention during the Case Management Conference held on December 14, 2012, and the Court ordered the parties to submit a suitable stipulation. This Stipulation and Proposed Order serves that purpose.

4. Specifically, given the need to extend non-expert discovery for the limited purpose of completing the third-party inmate depositions, the parties have agreed to modify the current schedule, subject to the Court's approval, as follows:

	Prior Deadline	New Deadline
Close of Non-Expert Discovery	12/31/2012	12/31/2012*
<ul style="list-style-type: none"> <li data-bbox="465 1526 943 1600">* Completion of third-party inmate depositions (subject to cooperation of their counsel).</li> <li data-bbox="465 1636 943 1712">* All other non-expert discovery shall remain due on 12/31/2012.</li> <li data-bbox="465 1748 943 1879">* Should Defendants discover new issues from the third-party inmate depositions, Defendants reserve the right to seek a continuance of fact discovery to</li> </ul>	--	1/16/2013

	Prior Deadline	New Deadline
investigate the new issues. Plaintiff reserves the right to oppose any such request.		
Designate Expert Witnesses/Serve Opening Expert Reports	1/9/2013	1/23/2013 (12:00 PM PDT)
Serve Rebuttal Expert Reports	1/18/2013	2/4/2013
Last Day for Expert Discovery	1/31/2013	2/13/2013
Last Day to Hear Dispositive Motions	3/22/2013	3/22/2013 (9:00 AM)
Pretrial Conference	5/20/2013	5/20/2013 (2:00 PM)
Jury Trial Date (5 days)	6/10/2013	6/10/2013 (8:00 AM)

5. As shown, the parties propose to modify only certain deadlines related to non-expert and expert discovery; all other deadlines set by the Court's November 16, 2012 Order remain in place.

6. Finally, this Stipulation has been promptly filed pursuant to Civil L.R. 5.

**IT IS SO STIPULATED.**

Dated: December 17, 2012 By: /s/ Deanna Kwong  
Deanna L. Kwong  
COVINGTON & BURLING LLP  
*Attorneys for Plaintiff Reynaldo Ayala*

Dated: December 17, 2012 By: /s/ Giam Nguyen  
Giam M. Nguyen  
Deputy Attorney General  
*Attorney for Defendants Wagner, Schlosser, Hansen, Guthrie, and Faaita*

Dated: December 17, 2012 By: /s/ Christian Green  
Christian B. Green  
Law Offices of Samuel L. Grader  
*Attorney for Defendant Edmonds*

**ATTESTATION:** Pursuant to L.R. 5-1, the filer attests that concurrence in the filing of this document has been obtained from all signatories.

## IT IS SO ORDERED.

Dated: January 2, 2013

By:

JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE